

REMARKS

Applicants acknowledge receipt of the Office Action mailed May 25, 2011.

In the Office Action¹, the Examiner rejected claims 1, 5, and 9-14 under 35 U.S.C. § 103(a) as being unpatentable over *Nguyen* (U.S. Patent No. 7,036,091) in view of *Mitchell et al.* ("*Mitchell*") (U.S. Patent No. 6,628,304), further in view of *Robbins* (U.S. Patent No. 6,819,344), further in view of *Torres* (U.S. Patent No. 5,317,687), further in view of *Vayda et al.* ("*Vayda*") (U.S. Patent No. 5,745,717), further in view of *Os et al.* ("*Os*") (U.S. Patent No. 6,781,610), further in view of *Tanaka et al.* ("*Tanaka*") (U.S. Patent No. 6,544,123), and further in view of *Land* ("*Land*") (U.S. Patent No. 7,155,676).

No claim is amended herein. Upon entry of this response, claims 1, 5, and 9-14 will remain pending. Of these claims, claims 1 and 5 are independent.

Applicants traverse the rejection above and respectfully request reconsideration for at least the reasons that follow.

I. 35 U.S.C. § 103(a) REJECTION

Claims 1, 5, and 9-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Nguyen* in view of *Mitchell*, *Robbins*, *Torres*, *Vayda*, *Os*, *Tanaka*, and *Land*. Applicants respectfully disagree with the Examiner's arguments and conclusions and submit that independent claims 1 and 5 are patentably distinguishable over the cited references at least for the reasons set forth below.

¹ The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. See M.P.E.P. § 2142, 8th Ed., Rev. 7 (July 2008). Such an analysis should be made explicit and cannot be premised upon mere conclusory statements. See *id.* “A conclusion of obviousness requires that the reference(s) relied upon be enabling in that it put the public in possession of the claimed invention.” M.P.E.P. § 2145. Furthermore, “[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” at the time the invention was made. M.P.E.P. § 2143.01(III), internal citation omitted. Moreover, “[i]n determining the differences between the prior art and the claims, the question under 35 U.S.C. § 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious.” M.P.E.P. § 2141.02(I), internal citations omitted (emphasis in original).

“[T]he framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . [include determining the scope and content of the prior art and] . . . [a]scertaining the differences between the claimed invention and the prior art.” M.P.E.P. § 2141(II). “Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.” M.P.E.P. § 2141(III).

Independent claim 1, and similarly independent claim 5, recites a method for displaying an electronic equipment input state on a menu screen, the method

comprising the steps of: “automatically displaying the highlighted second icon **larger** than remaining primary icons positioned on the first ring” (emphases added). Applicants submit that the cited references, whether taken alone or in any proper combination, fail to teach or suggest the above-quoted feature recited in independent claim 1, and similarly independent claim 5.

Nguyen appears to disclose a user interface which includes a first menu comprising a first set of selectable options circumferentially disposed on the first menu. In response to a selection of an option from the first menu, a second menu is displayed. The second menu may be concentrically-disposed relative to the first menu. The second menu includes a second set of circumferentially-disposed, selectable options, which may or may not be hierarchically relate to the first set of selectable options. (*Nguyen*, Abstract).

Nguyen, however, fails to teach or suggest, at least, “automatically displaying the highlighted second icon **larger** than remaining primary icons positioned on the first ring” (emphases added), as recited in independent claim 1, and similarly independent claim 5.

In order to cure the deficiencies of *Nguyen*, the Examiner relies on *Mitchell*. The Examiner, however, admits that “*Nguyen* and *Mitchell* fail to explicitly teach wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring.” (*Office Action*, p. 4, ll. 1-2). Accordingly, in order to cure the deficiencies of *Nguyen* and *Mitchell*, the Examiner relies on *Robbins* and asserts that “*Robbins* teaches wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring (i.e. enlarging by not

occluding a selected segment through warping controls, by way of graphical manipulations such as the 'fish-eye' technique, at col. 5, lines 35-38)." (*Id.* at p. 4, ll. 2-6). Applicants respectfully disagree.

Robbins discloses, in the passage cited by the Examiner above, and other passages that

the control module 34 is coupled to a viewing control function 40 and a warping control function 42 for respectively controlling viewing and warping of the displayed image 36
...

The warping control 42 implements a visualization technique presenting one or more selected dimensions of the stored data 38 as part of the image. The warping control 42 may manipulate the image 36 . . . to focus on a desired center of interest . . .

By way of example, the warping control 42 may stretch a desired segment of the image 36 using a well-known fish-eye technique, such that the selected segment is enlarged and not occluded. (*Robbins*, col. 5, ll. 19-38).

Such teaching, even if present in *Robbins*, however, fails to teach or suggest displaying the highlighted second icon **larger** than remaining primary icons positioned on the first ring. *Robbins* merely discloses that the warping control 42 may enlarge a "desired center of interest" or "desired segment" of the image 36. Enlarging part of the image 36 does not suggest displaying a highlighted icon larger than other icons positioned on a ring.

As disclosed on page 16, lines 19-23 of Applicants' specification, for example,

since the icon displayed on a specific position on a ring is displayed larger than the other icons positioned on the ring, selection of the icon displayed on a specific position is easy to be understood by a display, and the operability of a menu screen is improved.

Further, *Torres, Vayda, Os, Tanaka, and Land*, whether taken alone or in any proper combination, fail to cure the deficiencies of *Nguyen, Mitchell, and Robbins* and do not teach or suggest “automatically displaying the highlighted second icon **larger** than remaining primary icons positioned on the first ring” (emphases added), as recited in independent claim 1, and similarly independent claim 5. The Office Action does not allege otherwise.

As explained above, the elements of independent claims 1 and 5 are neither taught nor suggested by the cited references. Consequently, the Office Action has neither properly determined the scope and content of the prior art nor properly ascertained the differences between the prior art and the claim. Accordingly, no reason has been clearly articulated as to why the claim would have been obvious to one of ordinary skill in view of the prior art. Therefore, a *prima facie* case of obviousness has not been established for independent claims 1 and 5. Independent claims 1 and 5, and claims 9-14 which correspondingly depend therefrom, are patentable over *Nguyen, Mitchell, Robbins, Torres, Vayda, Os, Tanaka, and Land*. Applicants therefore request that the rejection of claims 1, 5, and 9-14 under 35 U.S.C. § 103(a) be withdrawn.

II. CONCLUSION

Applicants respectfully submit that claims 1, 5, and 9-14 are in condition for allowance.

In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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